

Rule-Making Fact Sheet

(5 MRSA §8057-A)

AGENCY: Department of Environmental Protection, Bureau of Remediation and Waste Management

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CHAPTER NUMBER AND RULE TITLE:

Chapter 880 Regulation of Chemical Use in Children's Products

STATUTORY AUTHORITY: 38 MRSA §341-D(1-C) and §341-H

DATE AND PLACE OF PUBLIC HEARING: November 15, 2011 at 9:00 a.m.

DEP Response Services Training Room, 4 Blossom Lane, Augusta, Maine

COMMENT DEADLINE: November 25, 2011 at 5:00 p.m., comments may be submitted by mail, email or fax. To ensure the comments are considered, they must include your name and the organization you represent, if any. Pursuant to Maine law, interested parties must be publicly notified of the proposed rulemaking, and provided an opportunity for comment.

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE: Changes in the underlying statute as enacted by PL 2011, c. 319 [*An Act to Provide the DEP with Regulatory Flexibility Regarding the Listing of Priority Chemicals*, LD 1129, 125th Legislature] necessitate amendments to Chapter 880.

ANALYSIS AND EXPECTED OPERATION OF THE RULE:

Chapter 880 identifies the process by which the department will classify chemicals of high concern, from which priority chemicals are designated for regulatory scrutiny, and details how the department will go about collecting information from manufacturers on the use of priority chemicals in children's products. Changes to the underlying statute enacted by PL 2011, c. 319 [*An Act to Provide the DEP with Regulatory Flexibility Regarding the Listing of Priority Chemicals*, LD 1129, 125th Legislature], necessitate the amendments proposed to the existing rule chapter 880.

Amendments to Chapter 880 add specificity to the designation of chemicals of high concern by delineating criteria that include chemical presence in consumer products used or present in the home, biomonitoring studies, and analysis of the indoor home environment. To address stakeholder concerns about inadvertent capture of products with trace amounts of chemicals, the policy choice was made to explicitly limit the reach of the rule to products containing priority chemicals that are intentionally-added for a specific purpose during product formulation or manufacture; definitions for the terms "contaminant" and "de minimis level" have been added for clarity.

FISCAL IMPACT OF THE RULE:

FOR RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

INDIVIDUALS OR GROUPS AFFECTED AND HOW THEY WILL BE AFFECTED:

BENEFITS OF THE RULE:

Note: If necessary, additional pages may be used.